

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT REICHERT, JR.,

Plaintiff,

vs.

Case No. 19-

LINCOLN LIFE ASSURANCE  
COMPANY OF BOSTON,

Defendant,

\_\_\_\_\_/

GREG LIEPSHUTZ (P37573)  
Attorney for Plaintiff  
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**PLAINTIFF'S COMPLAINT**

NOW COMES Plaintiff, ROBERT REICHERT, JR., by and through his attorneys, GREG M. LIEPSHUTZ and LEVINE BENJAMIN, P.C., and for his Complaint against Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, states as follows:

1. At all times, relevant hereto, Plaintiff, ROBERT REICHERT, JR., is a resident of the City of Battle Creek, County of Calhoun, and State of Michigan.

2. At all times, relevant hereto, Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, ROBERT REICHERT, JR., and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, to provide Plaintiff, ROBERT REICHERT, JR., with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, ROBERT REICHERT, JR., suffers from a herniated lumbar disc, sciatica, and lumbar radiculopathy. As a result, Plaintiff's conditions have made it impossible for him to work.

7. Defendant, LINCOLN LIFE ASSURANCE COMPANY OF BOSTON, has wrongfully denied Plaintiff disability benefits.

8. Defendant's denial of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's termination of Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, ROBERT REICHERT, JR., has exhausted all appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, ROBERT REICHERT, JR., is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and resume payment of Long-Term Disability benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action  
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to him under the terms of the plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of disability benefits, Plaintiff, ROBERT REICHERT, JR., has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

**WHEREFORE**, Plaintiff, ROBERT REICHERT, JR., prays for Judgment in his favor and against the Defendant, LINCOLN LIFE ASSURANCE COMPANY OF

BOSTON, in whatever amount he is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ GREG M. LIEPSHUTZ (P37573)  
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Dated: December 2, 2019